

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

AMANDA FOWLER

(b) County of Residence of First Listed Plaintiff _____

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
 Kimmel & Silverman, P.C.
 30 E. Butler Pike
 Ambler, PA 19002
 (215) 540-8888

DEFENDANTS

NCO FINANCIAL SYSTEMS, INC.

County of Residence of First Listed Defendant _____

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	Citizen or Principal Place of Business In This State	PTF	DEF
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PROPERTY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/>	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/>	<input type="checkbox"/> 460 Deposition
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/>	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/>	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/>	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	PROPERTY RIGHTS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> Habeas Corpus: Accommodations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other Employment	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/>	<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/>	<input type="checkbox"/>	
			SOCIAL SECURITY	
			<input type="checkbox"/> 710 Fair Labor Standards Act	
			<input type="checkbox"/> 720 Labor/Mgmt. Relations	
			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
			<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 780 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. Section 1692**VI. CAUSE OF ACTION**Brief description of cause:
Fair Debt Collection Practices Act**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23**DEMAND \$**CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

10-22-K

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1913 Highway 74, Wesley, Arkansas, 72773

Address of Defendant: 507 Prudential Road, Horsham, PA 19044

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No

CIVIL: (Place ✓ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations

B. *Diversity Jurisdiction Cases:*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify)

11. All other Federal Question Cases
(Please specify)

15 U.S.C §1692

ARBITRATION CERTIFICATION

(Check Appropriate Category)

counsel do hereby certify:

- Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- Relief other than monetary damages is sought.

DATE: 10-22-10

Attorney-at-Law

57100

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10-22-10

Attorney-at-Law

57100

Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Amanda Fowler

v.

NCO Financial Systems, Inc.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

10-22-10

Date

Craig Throckmorton
Attorney-at-law

215-540-8888

Telephone

FAX Number

Amanda Fowler
Attorney for

Kimmel@credithaw.com

E-Mail Address

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

AMANDA FOWLER,

Plaintiff

v.

NCO FINANCIAL SYSTEMS, INC.,

Defendant

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

COMPLAINT

AMANDA FOWLER ("Plaintiff"), by her attorneys, KIMMEL & SILVERMAN, P.C., allege the following against NCO FINANCIAL SYSTEMS, INC. ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business and has an office in the State of Pennsylvania and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

PARTIES

6. Plaintiff is a natural person residing at 1913 Highway 74, Wesley, Arkansas, 72773.

7. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

8. Defendant is a national debt collection company with corporate headquarters located at 507 Prudential Road in Horsham, Pennsylvania.

9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6) and repeatedly contacted Plaintiffs in an attempt to collect a debt.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

PRELIMINARY STATEMENT

11. The Fair Debt Collection Practices Act ("FDCPA") is a comprehensive statute, which prohibits a catalog of activities in connection with

1 the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA
2 imposes civil liability on any person or entity that violates its provisions, and
3 establishes general standards of debt collector conduct, defines abuse, and provides
4 for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the
5 FDCPA declare certain rights to be provided to or claimed by debtors, forbid
6 deceitful and misleading practices, prohibit harassing and abusive tactics, and
7 proscribe unfair or unconscionable conduct, both generally and in a specific list of
8 disapproved practices.

11 12. In particular, the FDCPA broadly enumerates several practices
13 considered contrary to its stated purpose, and forbids debt collectors from taking
14 such action. The substantive heart of the FDCPA lies in three broad prohibitions.
15 First, a “debt collector may not engage in any conduct the natural consequence of
16 which is to harass, oppress, or abuse any person in connection with the collection
17 of a debt.” 15 U.S.C. § 1692d. Second, a “debt collector may not use any false,
18 deceptive, or misleading representation or means in connection with the collection
19 of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use unfair
20 or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. §
21 1692f. The FDCPA is designed to protect consumers from unscrupulous
22 collectors, whether or not there exists a valid debt, broadly prohibits unfair or
23 unconscionable collection methods, conduct which harasses, oppresses or abuses

any debtor, and any false, deceptive or misleading statements in connection with
the collection of a debt.

4 13. In enacting the FDCPA, the United States Congress found that
5 “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt
6 collection practices by many debt collectors,” which “contribute to the number of
7 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of
8 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing
9 laws and procedures for redressing debt collection injuries to be inadequate to
10 protect consumers. 15 U.S.C. § 1692b.

13 14 15 16 17 18 19
14. Congress enacted the FDCPA to regulate the collection of consumer debts by debt collectors. The express purposes of the FDCPA are to "eliminate abusive debt collection practices by debt collectors, to insure that debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses." 15 U.S.C. § 1692e.

FACTUAL ALLEGATIONS

21 15. At all relevant times, Defendant was attempting to collect an alleged
22 consumer debt from Plaintiff on behalf of Chase Bank.

24 16. The alleged debt at issue arose out of transactions, which were
25 primarily for personal, family, or household purposes.

1 17. Beginning on April 2, 2010 and continuing until June 8, 2010,
2 Defendant, its agents, employees, and servants engaged in debt collection
3 activities seeking payment from Plaintiff.
4

5 18. Defendant, its employees and servants harassed Plaintiff by making
6 continuous calls to her cell phone number from the following phone numbers;
7 (800) 448-9570, (866) 506-2667, (888) 207-3081. The undersigned has confirmed
8 that these numbers belong to the Defendant.
9

10 19. Defendant and its employees identified as "Chris Lion" and "Dana
11 Hazel", harassed Plaintiff in an attempt to collect the alleged debt.

12 20. "Chris Lion" has left numerous messages on Plaintiff's answering
13 machine stating, "this confidential and important message is meant solely for
14 Amanda Fowler". *Please see attached electronic recording.*
15

16 21. The message further indicated, "I (Chris Lion) am calling from NCO
17 Financial Systems Inc., a debt collection company. This is an attempt to collect a
18 debt and any information obtained will be used for that purpose, please call me
19 back today at (800) 899-4332 ex. 4384 and reference id. C82468". *Please see*
20 *attached electronic recording.*
21

22 22. In addition on June 3, 2010, "Chris Lion" called Plaintiff's parents
23 home and left the same above message on their answering machine. *Please see*
24 *attached electronic recording.*
25

1 23. Defendant has also placed messages on the Plaintiff's parent's
2 answering machine after the initial June 3, 2010 message.
3

4 24. Plaintiff's relationship with her parents has now become strained as a
5 result of Defendant's collection efforts in the form of voice messages as her
6 parents are upset at being contacted b a debt collector.
7

8 25. Plaintiff disputes owing this debt.
9

10 26. On June 8, 2010, more the two (2) months after Defendant made
11 initial contact, Plaintiff received a letter from Defendant offering to settle the
12 account. A true and correct copy of the June 8, 2010 letter is attached hereto as
13 Exhibit "A".
14

15 27. Defendant's letter states; "we are offering you a settlement at this
16 time, which will allow you to pay 50 percent of the current balance due. This offer
17 may expire without notice. Before making payment, please confirm with one of
18 our representatives that this offer has not expired." See Exhibit "A."
19

20 28. While representing that there is 50 percent discount by accepting the
21 offer, the deception lies in the non-disclosure of the "current balance due". The
22 only way for Plaintiff to find out the correct amount that is owed is if she contacts
23 the Defendant.
24

25 29. This makes Plaintiff feel compelled to call when she otherwise would
not be comfortable doing so. It could also be viewed as a threat for those who
26

1 would otherwise be intimidated by speaking by telephone.

2 30. Defendant's letter also indicates that Plaintiff may make payment of
3 the debt to an online website: www.ncofinancial.com, via a registration code. See
4 Exhibit "A."

5 31. There is no indication in Defendant's letter and thus it is unknown
6 whether using the site owned by the Defendant would result in any fees or
7 additional costs to Plaintiff. If the answer is yes, then there is a deceptive element
8 in suggesting the use of the site without full disclosure.

9 32. If in fact Defendant obtains a "convenience fee" or any other
10 financial remuneration from the transaction, it must disclose that information
11 within the letter to avoid that deceptive element.

12 33. At no time does Defendant's letter inform Plaintiff of her rights under
13 the FDCPA, specifically the right to dispute and / or request verification of the
14 alleged debt. See Exhibit "A."

15 34. Upon information and belief, Defendant sought to collect a debt from
16 Plaintiff despite the fact that Defendant had no documentation or other knowledge
17 of its validity.

CONSTRUCTION OF APPLICABLE LAW

35. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry, deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). “Because the Act imposes strict liability, a consumer need not show intentional conduct by the debt collector to be entitled to damages.” Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996); see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding unintentional misrepresentation of debt collector’s legal status violated FDCPA); Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

36. The FDCPA is a remedial statute, and therefore must be construed liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d 1162 (9th Cir. 2006). “Because the FDCPA, like the Truth in Lending Act (TILA) 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be construed liberally in favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

37. The FDCPA is to be interpreted in accordance with the “least sophisticated” consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v. Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA was not “made for the protection of experts, but for the public - that vast multitude

which includes the ignorant, the unthinking, and the credulous, and the fact that a false statement may be obviously false to those who are trained and experienced does not change its character, nor take away its power to deceive others less experienced." Id. The least sophisticated consumer standard serves a dual purpose in that it ensures protection of all consumers, even naive and trusting, against deceptive collection practices, and protects collectors against liability for bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at 1318.

COUNT I
DEFENDANT VIOLATED THE
FAIR DEBT COLLECTION PRACTICES ACT

38. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or more of the following ways:

- 16 a. Defendant violated of the FDCPA generally;
- 17 b. Defendant violated § 1692b of the FDCPA by communicating
18 with any person other than the consumer that consumer owed a
19 debt, specifically her parents;
- 20 c. Defendant violated § 1692d of the FDCPA by harassing Plaintiff
21 with voice messages in connection with the collection of an
22 alleged debt;
- 23 d. Defendant violated § 1692d(5) of the FDCPA by causing a

telephone to ring repeatedly or continuously with the intent to annoy, abuse, and harass Plaintiff;

- e. Defendant violated § 1692e of the FDCPA by using false, deceptive, or misleading representations or means in connection with the collection of a debt;
 - f. Defendant violated § 1692f of the FDCPA by using unfair and unconscionable means with Plaintiff to collect or attempt to collect a debt;
 - g. Defendant violated § 1692g(a) of the FDCPA by failing to send written notification, within 5 days after its initial communication, advising of Plaintiff's rights to dispute the debt or request verification of the debt;
 - h. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

WHEREFORE, Plaintiff, AMANDA FOWLER, respectfully pray for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
 - b. Statutory damages of \$1,000.00 for each violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);

- 1 c. All reasonable attorneys' fees, witness fees, court costs and
- 2 other litigation costs incurred by Plaintiff pursuant to 15 U.S.C.
- 3 § 1693k(a)(3); and
- 4 d. Any other relief deemed appropriate by this Honorable Court.

5

6 **DEMAND FOR JURY TRIAL**

7

8 Pursuant to Civil Rule 38, Plaintiff hereby demands a trial by jury on all
9 issues in this action, and any issues relating to the amount of attorneys' fees and
10 litigation costs to be awarded should Plaintiff prevail on any of her claims in this
11 action.

12
13 RESPECTFULLY SUBMITTED,
14 KIMMEL & SILVERMAN, P.C

15 Date: 10-22-10 By: _____

16 Craig Thor Kimmel
17 Attorney ID # 57100
18 Kimmel & Silverman, P.C.
19 30 E. Butler Pike
20 Ambler, PA 19002
21 Phone: (215) 540-8888
22 Fax: (215) 540-8817
23 Email: kimmel@creditlaw.com

06/22/2010 17:18 14797502221

SPRINGDALE FOOT SPEC

PAGE 03

PO BOX 15630
DEPT 81
WILMINGTON, DE 19850



Calls to or from this company may be monitored
or recorded for quality assurance.

NCO FINANCIAL SYSTEMS INC

507 Prudential Road, Horsham, PA 19044

1-888-899-4332
OFFICE HOURS:
8AM-9PM MON THRU THURSDAY
8AM-5PM FRIDAY
8AM-12PM SATURDAY
Jun 8, 2010

12510-9276

C82468

AMANDA S FOWLER
1913 HIGHWAY 74 APT F203
WESLEY AR 72773-9000

869200

Creditor	Creditor's Acct #	Regarding	CurBalDue
CHASE BANK USA, N.A.	5401603023211383	PAST DUE PAYMENT	1325.77

Dear AMANDA S FOWLER:

We are offering you a settlement at this time, which will allow you to pay 50% of the current balance due. This offer may expire without notice. Before making payment, please confirm with one of our representatives that this offer has not expired.

CHASE BANK USA, N.A. is required by the IRS to provide information about certain amounts that are discharged as a result of a cancellation of a debt on a form 1099C. If CHASE BANK USA, N.A. is required to notify the IRS, you will receive a copy of the form 1099C that is filed with the IRS.

If you have further questions, please contact us at 1-888-899-4332.

You may also make payment by visiting us online at www.ncofinancial.com. Your unique registration code is CC824688-1PKQS. To receive future notices for the account(s) by e-mail, visit www.ncofinancial.com for details.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

Our Account #	Current Balance Due
C82468	\$ 1325.77

AMANDA S FOWLER
Payment Amount

\$

Check here if your address or phone number has changed and provide the new information below.

Make Payment To:

12510-9276
NCO FINANCIAL SYSTEMS
PO BOX 15081
WILMINGTON, DE 19850-5081

NCOP L3
3276

018100C8246800000007300000000001325773